



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

JANUARY 23, 2020

TO: PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE

**RE: STAFF SUMMARY REPORT
APPEAL – LOT SPLIT FOR JAMES BUTCHER**

STAFF: ASHON ROBINSON, PLANNER I

REQUEST INFORMATION:

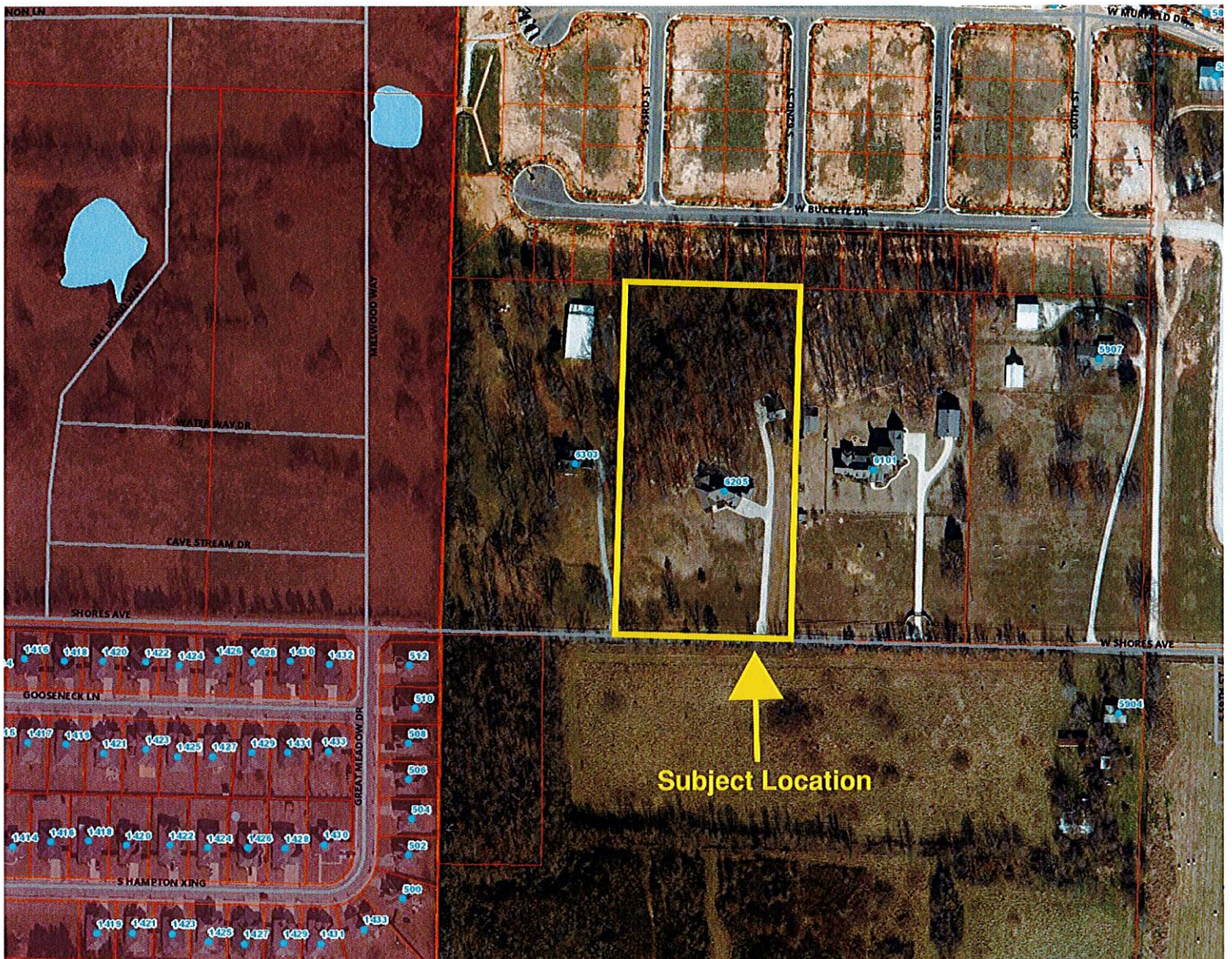
ADDRESS/LOCATION:	5.03 ± acres at 6205 W. Shores Ave
NATURE OF APPEAL:	Staff denial per Sec. 14-578(c)(1) on the basis that resultant parcels cannot be developed without a variance.
REQUESTED VARIANCES:	Building setbacks

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	James Butcher/ Rob Caster
PROJECT OWNER/DEVELOPER:	Kelli L. & James T. Butcher III
PROPERTY OWNER:	Kelli L. & James T. Butcher III
REQUEST:	Approval of lot split

CITY INFORMATION:

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development.
ZONING DISTRICT:	A-1 (Agricultural)
ZONING DISTRICT INTENT:	Per Sec. 14-697(a), the purpose and intent of the A-1 zoning district is to "consist of areas for agricultural uses, related uses, and low-density residential uses."
AUTHORITY:	Sec. 14-578, Rogers Code of Ordinances

VICINITY MAP:

BACKGROUND:

- The applicant is seeking to split off land in the back their property for a new home. For the lot to conform to city code and have street frontage, it will have to be a “flag lot”, with the “pole” of the flag running parallel and adjacent along either the western or eastern property line. As presented to staff, the current configuration causes a metal shop on resultant tract 1 to encroach on the interior side setback.

PLANNING REVIEW:

1. GENERAL FINDINGS: Staff does not have the authority to approve the proposed lot split due the need for variances from A-1 zoning, which in this case involves setback requirements. In a letter to staff, the applicant's representative stated that there is "serious flooding" along the western property line, which makes it unsafe to have an access drive in that area. This would leave the area along the eastern property line as the only viable space for an access drive to the back of the property. The proposed access drive is twenty feet in width, and is unbuildable when considering setbacks. Staff finds this to be a reasonable request because no development can occur near the metal shop and the lot split meets all other requirements of the City of Roger's Subdivision Code.
2. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.
3. RECOMMENDATIONS: The Planning Commission should always consider requests with regard to land use compatibility and the health, safety, and general welfare of the public in making their decision.
 - a) Approve appeal of staff denial.

ENGINEERING REVIEW: N/A

STAFF SIGNATURES:



ASHON ROBINSON, Planner I
City of Rogers Planning Division



SUGGESTED MOTIONS:

1. FOR APPROVE: "Move to approve the appeal by James Butcher to split the subject property as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the appeal by James Butcher to split the subject property, subject to [conditions or contingencies]."
3. FOR DENY: "Move to deny the appeal as presented."
4. FOR TABLE: "Move to table the appeal [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director
City of Rogers Community Development

TABS:

1. Proposed plat
2. Maps and/or photos

CASTER & ASSOCIATES LAND SURVEYING INC.
2715 SE 'I' STREET, SUITE 5, BENTONVILLE, ARKANSAS 72712
PH.(479) 268-4464

January 14, 2020

Rogers Planning Commision
City of Rogers
301 W. Chestnut St.
Rogers, Ar 72756

Project - Variance Request (Building Setback Reduction)
6205 W. Shores Ave.
Rogers, AR 72758

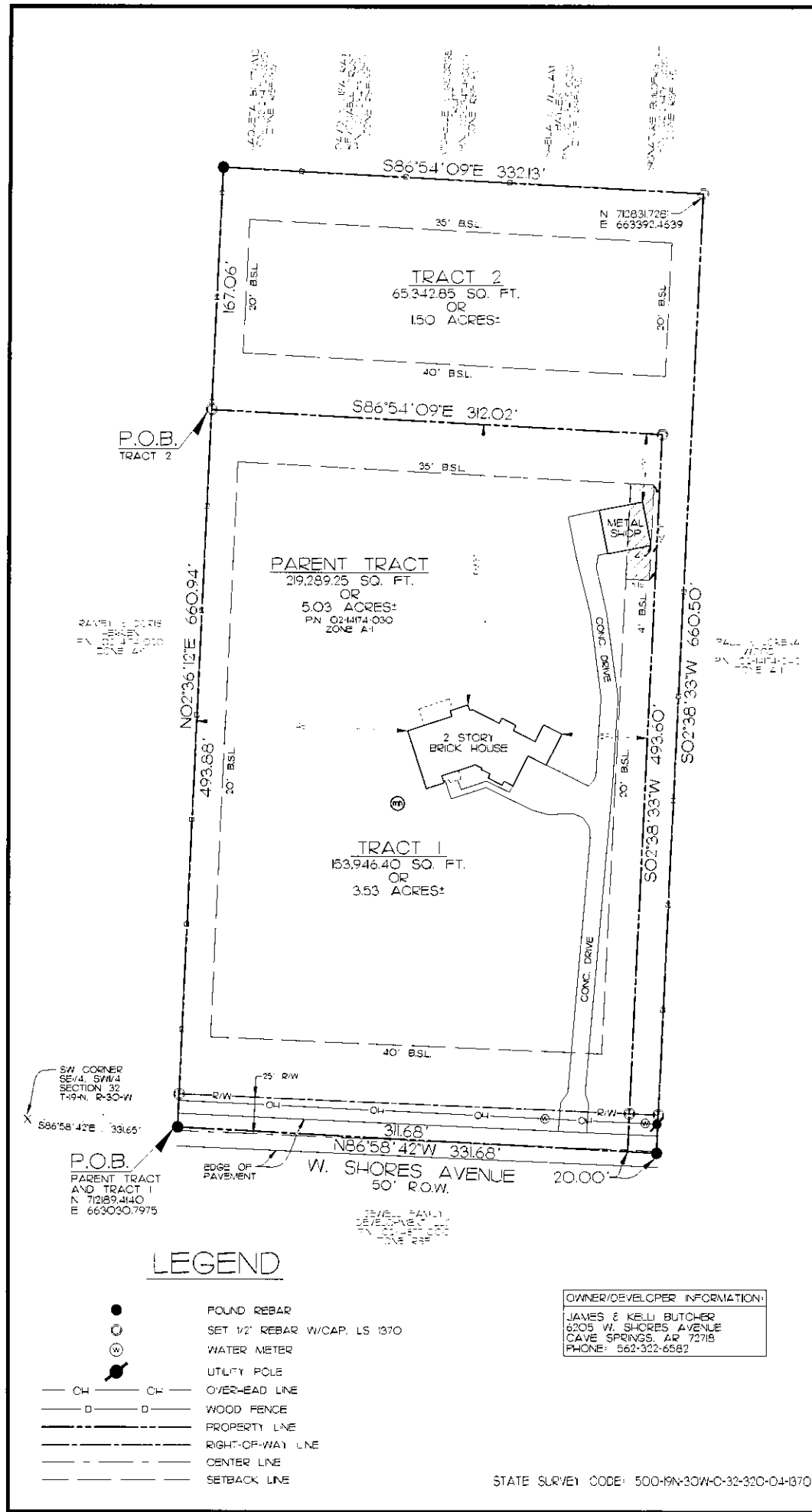
All;

Due to flooding issues in the southwest corner of the above referenced property, the front access for the proposed Tract Split would need to be on the East side of said property. We are requesting a variance from the A-1 zoning to allow for a 4 foot setback where the metal shop is located on the proposed Tract Split. Thank you for your consideration in this matter.

Sincerely,



Robert J. Caster, PLS



PARENT TRACT:
PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 32, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SW CORNER OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SAID SECTION 32, THENCE S86°58'42"W 331.65 FEET TO THE POINT OF BEGINNING, THENCE N02°36'12"E 660.94 FEET, THENCE S86°54'09"E 332.13 FEET, THENCE S02°38'33"W 660.50 FEET TO THE CENTERLINE OF W. SHORES AVENUE, THENCE ALONG SAID CENTERLINE N86°58'42"W 331.68 FEET TO THE POINT OF BEGINNING, CONTAINING 219,289.25 SQUARE FEET OR 5.03 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

TRACT 1:
PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 32, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SW CORNER OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SAID SECTION 32, THENCE S86°58'42"W 331.65 FEET TO THE POINT OF BEGINNING, THENCE N02°36'12"E 493.88 FEET, THENCE S86°54'09"E 312.02 FEET, THENCE S02°38'33"W 493.60 FEET TO THE CENTERLINE OF W. SHORES AVENUE, THENCE ALONG SAID CENTERLINE N86°58'42"W 20.00 FEET, THENCE LEAVING SAID CENTERLINE N02°36'12"E 493.60 FEET, THENCE N86°54'09"W 312.02 FEET TO THE POINT OF BEGINNING, CONTAINING 153,946.40 SQUARE FEET OR 3.53 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

TRACT 2:
PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 32, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

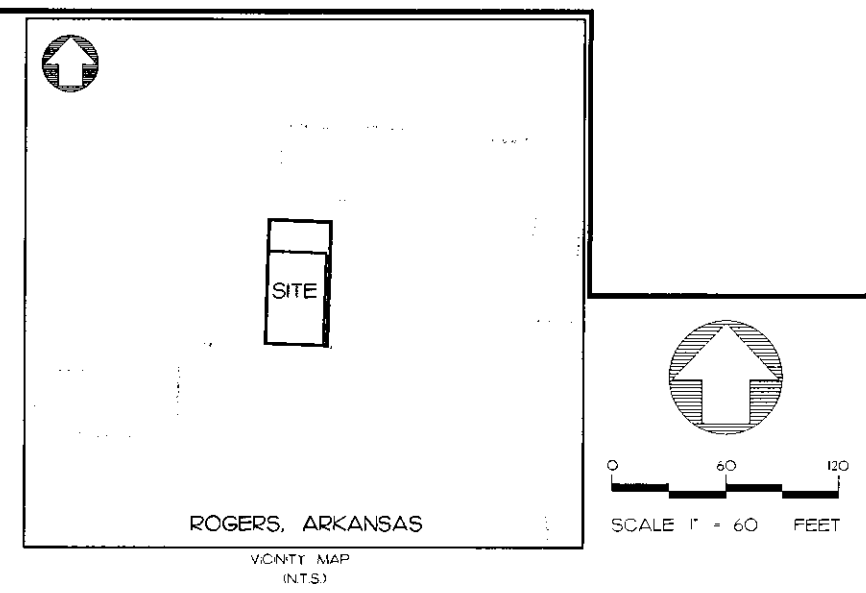
COMMENCING AT THE SW CORNER OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SAID SECTION 32, THENCE S86°58'42"W 331.65 FEET, THENCE N02°36'12"E 493.88 FEET TO THE POINT OF BEGINNING, THENCE S86°54'09"E 332.13 FEET, THENCE S02°38'33"W 660.50 FEET TO THE CENTERLINE OF W. SHORES AVENUE, THENCE ALONG SAID CENTERLINE N86°58'42"W 20.00 FEET, THENCE LEAVING SAID CENTERLINE N02°36'12"E 493.60 FEET, THENCE N86°54'09"W 312.02 FEET TO THE POINT OF BEGINNING, CONTAINING 65,342.85 SQUARE FEET OR 1.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

- NOTES:
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
 - BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
 - DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 - THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
 - THE PROPERTY SHOWN HEREON IS ZONED A-1 (AGRICULTURAL) AND IS WITHIN THE CITY LIMITS OF ROGERS, ARKANSAS. THE FRONT, SIDE AND REAR YARD REGULATIONS ARE AS FOLLOWS:
FRONT YARD: 40 FEET
SIDE YARD: 20 FEET (INTERIOR), 40 FEET (EXTERIOR)
REAR YARD: 35 FEET
 - SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
 - THIS SURVEY DOES NOT PROVIDE SURVEY CONTROL FOR FUTURE CONSTRUCTION.

FLOOD CERTIFICATION:
I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 0500700265K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE 'X', AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCUMBRANCES EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, PLS NO1370, ARKANSAS
DATE
CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049



OWNER'S CERTIFICATION AND DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC USE, BENEFIT, AND ACCESS. THE CITY OF ROGERS IS FURTHER GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE _____ OWNER _____
STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____ 20____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____
COMMUNITY DEVELOPMENT DEPARTMENT
APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE ROGERS PLANNING DEPARTMENT.
THIS ____ DAY OF _____ 20____
DIRECTOR

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE T Street, Suite 5
Bentonville, AR 72712
Telephone 479-268-4464

REGISTERED
STATE OF ARKANSAS
NO.1370
PROFESSIONAL LAND SURVEYOR
ROBERT J. CASTER

SCALE: 1" = 60'
DATE: 1-7-20

TRACT SPLIT FOR:
JAMES BUTCHER
PART SE $\frac{1}{4}$ OF SW $\frac{1}{4}$
SECTION 32, T-19-N, R-30-W
6205 W. SHORES AVENUE
ROGERS, BENTON COUNTY,
ARKANSAS

JOB # 19-154
DRAWN BY ASD
CHK'D BY RJC
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